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S/N 10/674,698

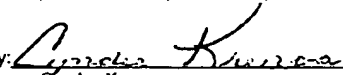
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Vincent R. Palmere et al. Examiner: Carlos A. Azpuru  
Serial No.: 10/674,698 Group Art Unit: 1615  
Filed: September 30, 2003 Docket No.: 60044.58USC4  
Title: METHODS AND COMPOSITIONS FOR RETARDING AND  
ERADICATING INFESTATION IN TREES AND TREE DERIVED  
PRODUCTS

CERTIFICATE UNDER 37 CFR 1.8:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on December 14, 2004.

By:   
Name: Cyndee Krenos

TERMINAL DISCLAIMER TO OBVIATE  
A DOUBLE PATENTING REJECTION

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**23552**

PATENT TRADEMARK OFFICE

Dear Sir:

Petitioner, Nisus Corporation, a corporation organized and existing under the laws of the State of Tennessee and having its primary place of business at 100 Nisus Drive, Rockford, Tennessee, 37853, in the county of Blount, and the state of Tennessee, represents that it is the owner of the entire right, title and interest in U.S. Patent Application Serial No. 5,104,664, filed on May 24, 1990 and entitled METHODS AND COMPOSITIONS FOR RETARDING AND ERADICATING INFESTATION IN TREES AND TREE DERIVED PRODUCTS, by virtue of our assignment recorded at Reel 005483, Frame(s) 0236-0241. Attached herewith is a Certificate under 37 C.F.R. § 3.73(b) establishing Nisus Corporation's right as assignee to take action.

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Petitioner, Nisus Corporation, hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term of U.S. Patent No. 5,104,664 and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 5,104,664, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors, or assigns.

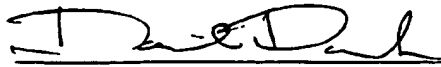
In making the above disclaimer, Petitioner does not disclaim the terminal part of any patent granted on the above-identified application that would extend to the full statutory term as presently shortened by any terminal disclaimer of United States Patent No. 5,104,664, in the event that United States Patent No. 5,104,664 expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(a), has all claims cancelled by a reexamination certification, or is otherwise terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

For submissions on behalf of an organization (e.g. corporation, partnership, university, government agency, etc.), the undersigned (whose title is supplied below) is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States

Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: 12/14/2004

  
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Daniel M. Pauly  
Attorney for Petitioner